

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 EUR-12 ISO-00 OES-06 INR-07 FEA-01
ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-06 DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INT-05 IO-13 JUSE-00 NSAE-00
NSC-05 NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
USIA-06 SAL-01 /127 R

DRAFTED BY L/OES:DACOLSON:OES/OFA:TSCULLY:MERS
APPROVED BY L/OES - BERNARD H. OXMAN
INR/RGE - MR. HODGSON
OES/OFA - MR. SCULLY
ARA/AND - MR. SONANDRES
ARA/CAR - MR. PIERCE

-----242157 032715 /75-62

P R 242004Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY CARACAS PRIORITY
INFO AMEMBASSY THE HAGUE
AMCONSUL CURACAO

LIMITED OFFICIAL USE STATE 041574

E.O. 11652: N/A

TAGS: PBOR, EFIS

SUBJECT: ESTABLISHMENT OF THE LIMITS OF THE US FISHERY
CONSERVATION ZONE IN THE CARIBBEAN

REF: STATE 90067 OF 14 APRIL 76

1. SUMMARY: EMBASSY IS REQUESTED TO DELIVER DIPLOMATIC
NOTE TO VENEZUELAN FOREIGN MINISTRY REGARDING THE ENFORCE-
MENT LIMITS OF U.S. 200-MILE FISHERY CONSERVATION ZONE
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WHICH BECOMES EFFECTIVE MARCH 1, 1977, AND TO DISCUSS THIS
MATTER WITH VENEZUELAN OFFICIALS. END SUMMARY.

2. U.S. FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976
ESTABLISHES A 200 NAUTICAL MILE FISHERY CONSERVATION ZONE
EFFECTIVE MARCH 1 AROUND, INTER ALIA, THE U.S. VIRGIN
ISLANDS AND PUERTO RICO. REFTEL CONTAINS SUMMARY OF THE
PROVISIONS OF THAT LEGISLATION.

3. DRAWING A 200-MILE ZONE AROUND THE U.S. VIRGIN ISLANDS

AND PUERTO RICO WOULD OVERLAP POTENTIAL 200-MILE ZONES AROUND THE VENEZUELAN ISLAND OF AVES AND OTHER SMALL VENEZUELAN ISLANDS OFF THE VENEZUELAN COAST. THUS, AS OF MARCH 1, A POTENTIAL MARITIME BOUNDARY ISSUE WILL EXIST BETWEEN THE U.S. AND VENEZUELA.

4. THE BASIC USG POSITION ON MARITIME BOUNDARIES IS THAT THEY ARE TO BE DETERMINED BY AGREEMENT BETWEEN THE STATES CONCERNED IN ACCORDANCE WITH EQUITABLE PRINCIPLES. THE USG IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES IN THE AREA, AND THEREFORE BELIEVES THAT EQUIDISTANCE, GIVING FULL EFFECT TO ISLANDS, IS AN APPROPRIATE BASIS FOR DETERMINING THE LIMITS OF U.S. FISHERIES JURISDICTION AROUND THE U.S. VIRGIN ISLANDS AND PUERTO RICO. THE EQUIDISTANT (OR MEDIAN) LINE IS A LINE EVERY POINT OF WHICH IS EQUIDISTANT FROM THE NEAREST POINTS ON THE RESPECTIVE COASTS (OR COASTAL BASELINES WHERE APPLICABLE) OF THE STATES CONCERNED.

5. THE USG HAS ADOPTED THE POSITION OF ESTABLISHING THE LIMITS OF FISHERY JURISDICTION ON THE BASIS OF EQUIDISTANCE USING THE NEAREST NON-U.S. LAND TERRITORY AS THE APPROPRIATE BASEPOINT AS A COMMON POLICY FOR ALL ISLANDS SUBJECT TO U.S. JURISDICTION IN THE CARIBBEAN. THIS
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POSITION POTENTIALLY COULD CREATE AN ISSUE WITH THE GOVERNMENT OF VENEZUELA WHICH IS INVOLVED WITH THE NETHERLANDS IN A DISPUTE OVER THE MARITIME ENTITLEMENT OF THE SOUTHERN NETHERLANDS ANTILLES ISLANDS OF ARUBA, BONNAIRE, AND CURACAO. VENEZUELA ARGUES THAT THOSE ISLANDS ARE PROJECTIONS FROM THE VENEZUELAN CONTINENTAL SHELF AND THUS ARE ENTITLED ONLY TO A 12-MILE TERRITORIAL SEA, WITH NO RESOURCE JURISDICTION BEYOND TWELVE MILES. THE NETHERLANDS OBVIOUSLY TAKES ISSUE WITH THIS VIEW AND ARGUES THAT THE ISLANDS SHOULD HAVE FULL RESOURCE JURISDICTION. THE USG POSITION COULD BE VIEWED BY VENEZUELA AS PREJUDICIAL TO THE POSITION IT IS TAKING REGARDING ITS DELIMITATION WITH ARUBA, BONNAIRE AND CURACAO, PARTICULARLY IF THE U.S. UNDERTAKES NEGOTIATIONS WITH THE NETHERLANDS WITH RESPECT TO DELIMITATION OF AN AREA CLAIMED BY VENEZUELA. THE USG WISHES TO REMAIN NEUTRAL IN THIS BOUNDARY ISSUE BETWEEN THE NETHERLANDS AND VENEZUELA AND INTENDS THAT THE COMMON APPROACH THAT HAS BEEN ADOPTED BY THE USG IN THE CARIBBEAN SHOULD BE REGARDED AS BEING A NEUTRAL FORMULA. THIS POLICY MEANS THAT EQUIDISTANCE WILL BE APPLIED BETWEEN THE U.S. VIRGIN ISLANDS AND SABA (DUTCH); BETWEEN THE US VIRGIN ISLANDS AND PUERTO RICO, AND AVES ISLAND (VENEZUELA); BETWEEN THE U.S.

VIRGIN ISLANDS AND PUERTO RICO, AND SMALL VENEZUELAN ISLANDS OFF THE VENEZUELAN COAST; AND BETWEEN THE U.S. VIRGIN ISLANDS AND PUERTO RICO, AND ARUBA, BONNAIRE AND CURACAO. IN DETERMINING THE EXTENT OF OUR OWN JURISDICTION FOR THE PRESENT, WE ARE NOT RPT NOT TAKING THE POSITION THAT THE AREAS CLAIMED BY BOTH THE NETHERLANDS

AND VENEZUELA ARE EITHER DUTCH OR VENEZUELAN, AND WOULD NOT RPT NOT PROPOSE TO CONCLUDE A FORMAL AGREEMENT ON BOUNDARIES WITH EITHER TO THE PREJUDICE OF THE OTHER. ACCORDINGLY, THE U.S. NOTES TO BOTH OFFER TO DISCUSS THE MATTER RATHER THAN NEGOTIATE A PERMANENT BOUNDARY. MORE-OVER, THE NOTE TO VENEZUELA AND THE NETHERLANDS DOES NOT LIMITED OFFICIAL USE
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SPECIFY WHICH AREAS WE ARE DELIMITING WITH RESPECT TO WHICH STATE, AS WE ARE DRAWING EQUIDISTANCE LINES AROUND THE ENTIRETY OF CPR/USVI AS AGAINST ALL NON-U.S. TERRITORY IN THE CARIBBEAN.

6. WE MUST DETERMINE THE LIMITS TO WHICH THE US WILL ENFORCE THE FISHERY JURISDICTION FROM MARCH 1 UNTIL SUCH TIME AS A PERMANENT BOUNDARY IS AGREED, AND NOTIFY NEIGHBORING GOVERNMENTS OF OUR ACTIONS.

7. FOLLOWING DIPLOMATIC NOTE SHOULD BE TRANSMITTED TO THE FOREIGN MINISTRY.

BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF VENEZUELA AND HAS THE HONOR TO REFER TO THE UNITED STATES FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 WHICH ESTABLISHES, EFFECTIVE MARCH 1, 1977, A 200 NAUTICAL MILE FISHERY CONSERVATION ZONE AROUND, INTER ALIA, THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO.

THE GOVERNMENT OF THE UNITED STATES MUST ESTABLISH THE LIMITS OF THE FISHERY CONSERVATION ZONE PRIOR TO MARCH 1, 1977. IT IS THE POSITION OF THE GOVERNMENT OF THE UNITED STATES THAT MARITIME BOUNDARIES ARE TO BE DETERMINED BY AGREEMENT IN ACCORDANCE WITH EQUITABLE PRINCIPLES. MOREOVER, THE GOVERNMENT OF THE UNITED STATES IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES AFFECTING UNITED STATES JURISDICTION AT THIS TIME IN THE AREA BETWEEN THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO, AND AREAS SUBJECT TO THE JURISDICTION OF VENEZUELA. THEREFORE, THE GOVERNMENT OF THE UNITED STATES IS OF THE VIEW THAT APPLICATION OF THE PRINCIPLE OF EQUIDISTANCE IS APPROPRIATE. ACCORDINGLY, UNTIL AGREEMENT IS REACHED REGARDING MARITIME BOUNDARIES IN THE AREA,

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THE GOVERNMENT OF THE UNITED STATES, BEGINNING MARCH 1, 1977, INTENDS TO ENFORCE ITS FISHERY JURISDICTION IN THE AREA OFF THE COAST OF THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO TO LIMITS DETERMINED IN ACCORDANCE WITH THE PRINCIPLE OF EQUIDISTANCE.

THE EMBASSY WISHES TO INFORM THE FOREIGN MINISTRY OF THE WILLINGNESS ON THE PART OF THE GOVERNMENT OF THE UNITED STATES TO DISCUSS THIS MATTER FURTHER WITH THE GOVERNMENT OF VENEZUELA, AND TO NOTE THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES THAT THE AFOREMENTIONED LIMIT OF FISHERY JURISDICTION IS WITHOUT PREJUDICE TO THE VIEWS OF EITHER GOVERNMENT REGARDING THE EXTENT OF INTERNAL WATERS, THE TERRITORIAL SEA OR THE HIGH SEAS OR TO ANY POSITION WHICH MAY BE TAKEN IN THE FUTURE REGARDING THE LOCATION OF MARITIME BOUNDARIES IN THE AREA.

CLOSING - COMPLIMENTARY CLOSE. END TEXT.

8. IN PRESENTING ABOVE NOTE TO VENEZUELAN OFFICIALS
EMBASSY OFFICERS SHOULD MAKE THE FOLLOWING POINTS:

-- EVEN THOUGH THERE HAS BEEN NO EXTENSION OF JURISDICTION BY THE OPPOSING STATE, THE U.S. WILL NOT EXTEND ITS JURISDICTION BEYOND THE EQUIDISTANT OR MEDIAN LINE, GIVING FULL EFFECT TO ISLANDS IN APPLYING THE PRINCIPLE OF EQUIDISTANCE. WE ARE MEASURING AGAINST ALL NON-US TERRITORY.

-- THIS MEANS WE WILL BE GIVING FULL EFFECT IN THE EQUIDISTANCE DETERMINATION TO THE SMALL VENEZUELAN ISLAND OF AVES AND OTHER SMALL VENEZUELAN ISLANDS OFF THE VENEZUELAN COAST.

-- WE RECOGNIZE THAT THERE EXISTS A DIFFERENCE OF VIEW BETWEEN VENEZUELA AND THE NETHERLANDS OVER THE MARITIME
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ENTITLEMENT OF CERTAIN ISLANDS. THE U.S. TAKES NO POSITION ON THE VIEWS OF EITHER PARTY AND CONSIDERS THE ENFORCEMENT OF THE LIMITS OF THE U.S. FISHERY CONSERVATION ZONE AS IN NO WAY PREJUDICING SUCH VIEWS.

-- THE U.S. IS EXTENDING ITS JURISDICTION ONLY OVER COASTAL FISHERIES. U.S. JURISDICTION DOES NOT INCLUDE JURISDICTION OVER TUNA FISHING.

-- THE LINE WHICH WILL BE USED AS THE LIMIT OF U.S. FISHERIES JURISDICTION SHOULD NOT BE REGARDED AS A FORMAL U.S. MARITIME BOUNDARY POSITION.

-- WE ARE PRESENTLY PREPARING CHARTS SHOWING THE LIMITS OF OUR FISHERY JURISDICTION AND WILL MAKE THEM AVAILABLE AS SOON AS POSSIBLE.

9. DEPARTMENT HAS DETERMINED THE COORDINATES OF THE EQUIDISTANT LINE BETWEEN THE U.S. VIRGIN ISLANDS, PUERTO RICO AND SABA, AND ARUBA, BONNAIRE AND CURACAO.

WE ARE PREPARING CHARTS OF THE AREA SHOWING THAT LINE WHICH WILL BE POUCHED TO THE EMBASSY WHEN READY.

10. SHOULD GOV OFFICIALS RAISE THIS ISSUE WITH THE EMBASSY, YOU SHOULD DRAW UPON THE TEXT OF THE NOTE AND THE SUBSEQUENT TALKING POINTS IN REPLY.

11. DEPARTMENT WILL BE MAKING A SIMILAR PRESENTATION TO THE NETHERLANDS AND WILL REPORT TO BOTH AMEMBASSY THE HAGUE AND AMCONSUL CURACAO ON THE OUTCOME OF THAT DISCUSSION.

12. ON FEBRUARY 24, DEPARTMENT BRIEFED GOV EMBASSY OFFICIALS REGARDING THIS MATTER, AND INFORMED EMBOFF THAT NOTE WOULD BE PRESENTED TO GOV IN CARACAS. COPY
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OF NOTE WAS PROVIDED TO EMBOFF.
VANCE

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INFO OCT-01 ISO-00 OES-02 /005 R

66011
LRAFTED BY L/OES/DACOLSON:SCH
APPROVED BY L/OES - RJBETTAUER
-----031434 002279 /42

R 030811Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO

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FOR INFORMATION OF REGIONAL FISHERY ATTACHE

FOL REPEAT STATE 041574 ACTION CARACAS INFO THE HAGUE CURACAO
DATED 24 FEB 77

QUOTE

E.O. 11652: N/A

TAGS: PBOR, EFIS

SUBJECT: ESTABLISHMENT OF THE LIMITS OF THE US FISHERY
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8. IN PRESENTING ABOVE NOTE TO VENEZUELAN OFFICIALS EMBASSY OFFICERS SHOULD MAKE THE FOLLOWING POINTS:

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-- THIS MEANS WE WILL BE GIVING FULL EFFECT IN THE EQUIDISTANCE DETERMINATION TO THE SMALL VENEZUELAN ISLAND OF AVES AND OTHER SMALL VENEZUELAN ISLANDS OFF THE VENEZUELAN COAST.

-- WE RECOGNIZE THAT THERE EXISTS A DIFFERENCE OF VIEW BETWEEN VENEZUELA AND THE NETHERLANDS OVER THE MARITIME ENTITLEMENT OF CERTAIN ISLANDS. THE U.S. TAKES NO POSITION ON THE VIEWS OF EITHER PARTY AND CONSIDERS THE ENFORCEMENT OF THE LIMITS OF THE U.S. FISHERY CONSERVATION LIMITED OFFICIAL USE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC NOTES, FISHERIES, TWO HUNDRED MILE LIMIT
Control Number: n/a
Copy: SINGLE
Sent Date: 24-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE041574
Document Source: ADS
Document Unique ID: 00
Drafter: L/OES:DACOLSON:OES/OFA:TSCULLY:MERS
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Expiration:
Film Number: D770064-1067
Format: TEL
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Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t197702100/baaaavid.tel
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Litigation Codes:
Litigation History:
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Message ID: 2f4f1fbf-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 10
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Previous Classification: LIMITED OFFICIAL USE
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Reference: STATE 90067 OF 14 APRIL 76
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3234210
Secure: OPEN
Status: <DBA CORRECTED> jms 970930
Subject: ESTABLISHMENT OF THE LIMITS OF THE US FISHERY CONSERVATION ZONE IN THE CARIBBEAN
TAGS: EFIS, PBOR, US, VE
To: CARACAS INFO THE HAGUE MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2f4f1fbf-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009